

REMARKS

This Amendment responds to the Office Action mailed on Nov. 29, 2004. Claims 1-10, 12, 14, 15, 18, and 27-37 are currently pending. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance.

In the Office Action, claims 1-10, 12, 18, and 27-29 were rejected under U.S.C. 103(a) as obvious over Dayton et al (U.S. No. 4,799,254) (hereinafter Dayton), in view of Yoshida et al (U.S. No. 6,690,417) (hereinafter Yoshida).

For a proper obviousness rejection, each and every claim limitation must be taught or suggested by the cited references. Regarding claim 1, neither Dayton nor Yoshida teach or suggest the following limitation: "the plurality of software applications each having an associated keyboard mode; the keyboard mode control software module being operable to automatically determine the keyboard mode associated with an active one of the plurality of software applications, wherein the keyboard mode is used by the keyboard mode control software module to automatically determine whether the keyboard output signals from the letter keys are converted into character codes or telephony tone signals." While Dayton may teach a user selecting a keyboard mode by pressing a key, it does not teach the processor (through the software module) automatically selecting a keyboard mode that is associated with the software application that is currently active. Yoshida does not cure this defect. Although Yoshida may teach more than one software program running on the device, it does not teach that the software has an associated keyboard mode that is automatically engaged when that software program is currently active. It expressly teaches a "mode dial" also termed a "mode change switch" for changing modes.

As an example of the above argument, a user of the device of claim 1 could start a word processor software program on their device. When the word processor program is started it will be active, and the associated keyboard mode, e.g. data mode, will be automatically engaged. The user could then start a telephone dialing program while the word processor is running, and make the telephone dialing program active. Making the telephone dialing program active would automatically engage the associated keyboard mode, e.g. telephony mode. See the specification on pages 9 and 10 for further description of this matter.

Furthermore, for a proper obviousness rejection, there must be a suggestion or motivation to combine the references. Here, there is no motivation to combine the plurality of software taught by Yoshida with the Dayton reference. There is no reason to run the software disclosed in Yoshida on the relatively primitive device disclosed in Dayton.

For the above reasons, a proper obviousness rejection has not been made with regard to claim 1, and withdrawal of the rejection is requested. Claims 2-10 and 12, are dependent on claim 1, thus they are also non-obvious for the same reason.

Claims 14-15 were rejected under 35 U.S.C. 103(a) as being obvious over Dayton, in view of Yoshida, and further in view of Miller. Claims 14 and 15 are both dependent on claim one; thus for the same reasons that claim 1 is not obvious as discussed above neither are claims 14 and 15.

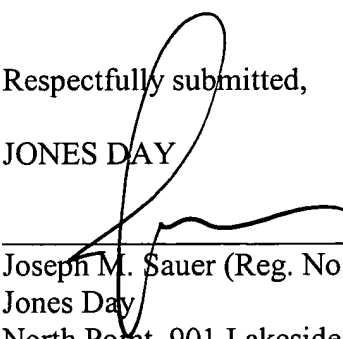
Claims 30-37 were rejected under 35 U.S.C. 102(b) as being anticipated by Dayton. Claim 30 has been amended, and it is believed to now be in condition for allowance, along with claims 31-37 that are dependent on claim 30.

Claim 30 now states that the keyboard mode control software module automatically determines whether the keyboard output signals from the plurality of keys are converted into character codes or telephony tone signals based on a keyboard mode that is associated with an active software program. The currently active program has an associated keyboard mode. The associated keyboard mode will determine whether the keyboard output signal is converted to a telephony tone or a character code. Claim 30 is thus patentable over the cited references for at least the same reason as stated above with respect to claim 1. Accordingly, claims 30-37 are in now believed to be in condition for allowance, and Applicants request that the rejection be withdrawn.

In conclusion, for the foregoing reasons, Applicants respectfully submit that claims 1-10, 12, 14, 15, 18, and 27-37 are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue. The Examiner is invited to call the undersigned attorney if there are any remaining questions regarding the application.

Respectfully submitted,

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